

109TH CONGRESS
1ST SESSION

H. R. 961

To amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies, subject to a reduction of 50 percent if the recipient dies during the first 15 days of such month, and to increase the lump sum death payment to reflect changes in the cost of living.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 17, 2005

Mr. PLATTS introduced the following bill; which was referred to the
Committee on Ways and Means

A BILL

To amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies, subject to a reduction of 50 percent if the recipient dies during the first 15 days of such month, and to increase the lump sum death payment to reflect changes in the cost of living.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Social Security Fair-
5 ness Act of 2005”.

1 **SEC. 2. COMPUTATION AND PAYMENT OF LAST MONTHLY**
 2 **PAYMENT.**

3 (a) OLD-AGE AND SURVIVORS INSURANCE BENE-
 4 FITS.—Section 202 of the Social Security Act (42 U.S.C.
 5 402) is amended by adding at the end the following new
 6 subsection:

7 “Last Payment of Monthly Insurance Benefit
 8 Terminated by Death

9 “(z)(1) In any case in which an individual dies during
 10 the first 15 days of a calendar month, the amount of such
 11 individual’s monthly insurance benefit under this section
 12 paid for such month shall be an amount equal to 50 per-
 13 cent of the amount of such benefit (as determined without
 14 regard to this subsection), rounded, if not a multiple of
 15 \$1, to the next higher multiple of \$1. This subsection shall
 16 apply with respect to such benefit after all other adjust-
 17 ments with respect to such benefit provided by this title
 18 have been made.

19 “(2) Any payment of an individual’s benefit under
 20 this section for the month in which such individual dies
 21 shall be made in accordance with section 204(d).”.

22 (b) DISABILITY INSURANCE BENEFITS.—Section 223
 23 of such Act (42 U.S.C. 423) is amended—

24 (1) by redesignating subsection (j) as sub-
 25 section (k); and

1 (2) by inserting after subsection (i) the fol-
2 lowing new subsection:

3 “Last Payment of Benefit Terminated by Death

4 “(j)(1) In any case in which an individual dies during
5 the first 15 days of a calendar month, the amount of such
6 individual’s monthly insurance benefit under this section
7 paid for such month shall be an amount equal to 50 per-
8 cent of the amount of such benefit (as determined without
9 regard to this subsection), rounded, if not a multiple of
10 \$1, to the next higher multiple of \$1. This subsection shall
11 apply with respect to such benefit after all other adjust-
12 ments with respect to such benefit provided by this title
13 have been made.

14 “(2) Any payment of an individual’s benefit under
15 this section for the month in which such individual dies
16 shall be made in accordance with section 204(d).”.

17 (c) BENEFITS AT AGE 72 FOR CERTAIN UNINSURED
18 INDIVIDUALS.—Section 228 of such Act (42 U.S.C. 428)
19 is amended by adding at the end the following new sub-
20 section:

21 “Last Payment of Benefit Terminated by Death

22 “(i)(1) In any case in which an individual dies during
23 the first 15 days of a calendar month, the amount of such
24 individual’s monthly insurance benefit under this section
25 paid for such month shall be an amount equal to 50 per-

1 cent of the amount of such benefit (as determined without
 2 regard to this subsection), rounded, if not a multiple of
 3 \$1, to the next higher multiple of \$1. This subsection shall
 4 apply with respect to such benefit after all other adjust-
 5 ments with respect to such benefit provided by this title
 6 have been made.

7 “(2) Any payment of an individual’s benefit under
 8 this section for the month in which such individual dies
 9 shall be made in accordance with section 204(d).”.

10 (d) CONFORMING AMENDMENTS REGARDING PAY-
 11 MENT OF BENEFITS FOR MONTH OF RECIPIENT’S
 12 DEATH.—

13 (1) OLD-AGE INSURANCE BENEFITS.—Section
 14 202(a) of the Social Security Act (42 U.S.C. 402(a))
 15 is amended by striking “the month preceding” in the
 16 matter following subparagraph (B).

17 (2) WIFE’S INSURANCE BENEFITS.—

18 (A) IN GENERAL.—Section 202(b)(1) of
 19 such Act (42 U.S.C. 402(b)(1)) is amended—

20 (i) by striking “and ending with the
 21 month” in the matter immediately fol-
 22 lowing clause (ii) and inserting “and end-
 23 ing with the month in which she dies or (if
 24 earlier) with the month”;

25 (ii) by striking subparagraph (E); and

1 (iii) by redesignating subparagraphs
2 (F) through (K) as subparagraphs (E)
3 through (J), respectively.

4 (B) CONFORMING AMENDMENT.—Section
5 202(b)(4)(B) of such Act (42 U.S.C.
6 402(b)(4)(B)) is amended by striking “(E),
7 (F), (H), or (J)” and inserting “(E), (G), or
8 (I)”.

9 (3) HUSBAND’S INSURANCE BENEFITS.—

10 (A) IN GENERAL.—Section 202(c)(1) of
11 such Act (42 U.S.C. 402(c)(1)) is amended—

12 (i) by striking “and ending with the
13 month” in the matter immediately fol-
14 lowing clause (ii) and inserting “and end-
15 ing with the month in which he dies or (if
16 earlier) with the month”;

17 (ii) by striking subparagraph (E); and

18 (iii) by redesignating subparagraphs
19 (F) through (K) as subparagraphs (E)
20 through (J), respectively.

21 (B) CONFORMING AMENDMENT.—Section
22 202(c)(4)(B) of such Act (42 U.S.C.
23 402(c)(4)(B)) is amended by striking “(E), (F),
24 (H), or (J)” and inserting “(E), (G), or (I)”.

1 (4) CHILD’S INSURANCE BENEFITS.—Section
2 202(d)(1) of such Act (42 U.S.C. 402(d)(1)) is
3 amended—

4 (A) by striking “and ending with the
5 month” in the matter immediately preceding
6 subparagraph (D) and inserting “and ending
7 with the month in which such child dies or (if
8 earlier) with the month”; and

9 (B) by striking “dies, or” in subparagraph
10 (D).

11 (5) WIDOW’S INSURANCE BENEFITS.—Section
12 202(e)(1) of such Act (42 U.S.C. 402(e)(1)) is
13 amended by striking “ending with the month pre-
14 ceding the first month in which any of the following
15 occurs: she remarries, dies,” in the matter following
16 subparagraph (F) and inserting “ending with the
17 month in which she dies or (if earlier) with the
18 month preceding the first month in which any of the
19 following occurs: she remarries, or”.

20 (6) WIDOWER’S INSURANCE BENEFITS.—Sec-
21 tion 202(f)(1) of such Act (42 U.S.C. 402(f)(1)) is
22 amended by striking “ending with the month pre-
23 ceding the first month in which any of the following
24 occurs: he remarries, dies,” in the matter following
25 subparagraph (F) and inserting “ending with the

1 month in which he dies or (if earlier) with the month
2 preceding the first month in which any of the fol-
3 lowing occurs: he remarries,”.

4 (7) MOTHER’S AND FATHER’S INSURANCE BEN-
5 EFITS.—Section 202(g)(1) of such Act (42 U.S.C.
6 402(g)(1)) is amended—

7 (A) by inserting “with the month in which
8 he or she dies or (if earlier)” after “and end-
9 ing” in the matter following subparagraph (F);
10 and

11 (B) by striking “he or she remarries, or he
12 or she dies” and inserting “or he or she remar-
13 ries”.

14 (8) PARENT’S INSURANCE BENEFITS.—Section
15 202(h)(1) of such Act (42 U.S.C. 402(h)(1)) is
16 amended by striking “ending with the month pre-
17 ceding the first month in which any of the following
18 occurs: such parent dies, marries,” in the matter fol-
19 lowing subparagraph (E) and inserting “ending with
20 the month in which such parent dies or (if earlier)
21 with the month preceding the first month in which
22 any of the following occurs: such parent marries,”.

23 (9) DISABILITY INSURANCE BENEFITS.—Sec-
24 tion 223(a)(1) of such Act (42 U.S.C. 423(a)(1)) is
25 amended by striking “ending with the month pre-

ceding whichever of the following months is the earliest: the month in which he dies,” in the matter following subparagraph (D) and inserting the following: “ending with the month in which he dies or (if earlier) with whichever of the following months is the earliest.”.

(10) BENEFITS AT AGE 72 FOR CERTAIN UNINSURED INDIVIDUALS.—Section 228(a) of such Act (42 U.S.C. 428(a)) is amended by striking “the month preceding” in the matter following paragraph (4).

(11) EXEMPTION FROM MAXIMUM BENEFIT CAP.—Section 203 of such Act (42 U.S.C. 403) is amended by adding at the end the following new subsection:

“Exemption From Maximum Benefit Cap
“(m) Notwithstanding any other provision of this section, the application of this section shall be made without regard to any benefit of an individual under section 202, 223, or 228 for the month in which such individual dies.”.

SEC. 3. INCREASE IN LUMP-SUM DEATH PAYMENTS.

Section 202(i) of the Social Security Act (42 U.S.C. 402(i)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

1 (2) in subparagraph (B) (as redesignated), by
2 striking “paragraph (1)” and inserting “subpara-
3 graph (A)”;

4 (3) by inserting “(1)” after “(i)”;

5 (4) by striking “three times” and all that fol-
6 lows through “smaller,” and inserting “the applica-
7 ble dollar amount for the calendar year in which the
8 death occurs (determined under paragraph (2))”;
9 and

10 (5) by adding at the end the following new
11 paragraph:

12 “(2)(A) Except as otherwise provided in subpara-
13 graph (B), the applicable dollar amount for any calendar
14 year is \$970.

15 “(B) In each calendar year after 2005, the Commis-
16 sioner of Social Security shall determine and publish in
17 the Federal Register, on or before November 1 of such
18 calendar year, the applicable dollar amount for the next
19 calendar year. Such dollar amount shall be equal to the
20 product derived by multiplying—

21 “(i) \$970, by

22 “(ii) the ratio of—

23 “(I) the national average wage index (as
24 defined in section 209(k)(1)) for the calendar

1 year before the calendar year in which the de-
2 termination is made, to

3 “(II) the national average wage index (as
4 so defined) for calendar year 2004.

5 If such product is not a multiple of \$5.00, such product
6 shall be rounded to the next higher multiple of \$5.00 in
7 any case in which such product is a multiple of \$2.50 but
8 not of \$5.00, and to the nearest multiple of \$5.00 in any
9 other case.”.

10 **SEC. 4. EFFECTIVE DATE.**

11 The amendments made by this Act shall apply with
12 respect to deaths occurring after 90 days after the date
13 of the enactment of this Act.

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